

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSHUA SHUMAN , a minor by and through his mother and natural guardian	:	
TERESA SHERTZER, and TERESA SHERTZER , individually	:	
	:	CIVIL ACTION NO. 02-CV-3594
Plaintiffs		:
v.	:	
PENN MANOR SCHOOL DISTRICT,	:	
PENN MANOR SCHOOL BOARD,	:	
C. WILLIS HERR,	:	
RICHARD L. FRERICHS,	:	
JEFFERY E. LYON,	:	
PATRICK T. KLINE,	:	
DONALD H. ANDERSON,	:	
H. THOMAS HERR,	:	
KELLY K. WITHUM,	:	
DONNA WERT,	:	
JEFFREY G. KREIDER,	:	
DOLORES WARFEL, and	:	
STEVE SKROCKI , each individually and as members/officers of the Penn Manor	:	
School Board,	:	
AND	:	
GARY B. CAMPBELL , individually and as Superintendent of the Penn Manor	:	
School District,	:	
AND	:	
DONALD STEWART , individually and as Acting Superintendent of the Penn Manor	:	
School District	:	
AND	:	
JANICE M. MINDISH , individually and as Principal of Penn Manor High School,	:	
AND	:	
BRIAN D. BADDICK , individually and as Assistant Principal of Penn Manor High	:	
School,	:	
AND	:	
PHILIP B. GALE , individually and as Dean of Students of Penn Manor High School,	:	
AND	:	
CAROLE FAY , individually and as a teacher and Agriculture Coordinator at Penn Manor	:	
High School	:	
Defendants		:

MOTION OF DEFENDANTS, PENN MANOR SCHOOL DISTRICT, PENN MANOR SCHOOL BOARD, C. WILLIS HERR, RICHARD L. FRERICHS, JEFFREY E. LYON, PATRICK T. KLINE, DONALD H. ANDERSON, H. THOMAS HERR, KELLY K. WITHUM, DONNA WERT, JEFFREY G. KREIDER, DOLORES WARFEL, STEVE SKROCKI, GARY B. CAMPBELL, DONALD STEWART, JANICE M. MINDISH, BRIAN D. BADDICK, PHILIP GALE, AND CAROLE FAY, TO DISMISS PORTIONS OF THE PLAINTIFFS' COMPLAINT

The Defendants, Penn Manor School District (hereinafter referred to as the “District”), Penn Manor School Board (hereinafter referred to as the “Board”), C. Willis Herr, Richard L. Frerichs, Jeffrey E. Lyon, Patrick T. Kline, Donald H. Anderson, H. Thomas Herr, Kelly K. Withum, Donna Wert, Jeffrey G. Kreider, Dolores Warfel, and Steve Skrocki, each individually and as members/officers of the Penn Manor School Board (hereinafter collectively referred to as “School Board Member Defendants”), Gary B. Campbell, individually, and as Superintendent of the Penn Manor School District, Donald Stewart, individually and as Acting Superintendent of the Penn Manor School District, Janice M. Mindish, individually and as Principal of Penn Manor High School, Brian D. Baddick, individually and as Assistant Principal of Penn Manor High School, Philip Gale, individually and as Dean of Students of Penn Manor High School, and Carole Fay, individually and as a teacher and Agriculture Coordinator at Penn Manor High School, move for dismissal of portions of Plaintiffs’ Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state claims upon which relief can be granted. In support of this Motion, the Defendants rely upon their Brief in Support, incorporated herein.

Respectfully submitted:

SWEET, STEVENS, TUCKER & KATZ LLP

Date: August 5, 2002

By: _____

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Jason R. Wiley, Esquire, Atty I.D. #79478

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Attorneys for Defendants

Penn Manor School District, Penn Manor School Board, C. Willis Herr, Richard L. Frerichs, Jeffrey E. Lyon, Patrick T. Kline, Donald H. Anderson, H. Thomas Herr, Kelly K. Withum, Donna Wert, Jeffrey G. Kreider, Dolores Warfel, and Steve Skrocki, individually, and as school board members, Gary B. Campbell, Donald Stewart, Janice M. Mindish, Brian D. Baddick, Philip Gale, and Carole Fay, individually, and in their official capacities.